

Remarks

Claims 16-26 and 28-30 are pending in this application. Claims 16-26 and 28-30 are rejected.

Claim 17 is cancelled.

Claim Rejections - 35 U.S.C. § 103

Claims 16, 18-26, 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McEleney et al. (U.S. 5,680,962) in view of Durr et al. (U.S. 5,997,889), McAtee et al. (U.S. 5,607,980).

Applicant respectfully traverses the present rejections for the following reasons. Claims 16 and 27 are amended to respectively include the limitations of claim 17. Claim 17 is not subject to the present rejection. Accordingly, claims 16, 18-26, 28-30 are allowable under 35 U.S.C. § 103(a) over McEleney et al. in view of Durr et al. McAtee et al.

Claims 16-26 and 28-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McEleney et al. (U.S. 5,680,962), Durr et al. (U.S. 5,997,889), McAtee et al. (U.S. 5,607,980) as applied to claims 16, 18-26, 28-30 above, and further in view of Knoll et al. (U.S. 4,822,604).

Applicant respectfully traverses the present rejection for the following reasons. The August 17, 2009 Office Action (“the Office Action”) relies on McEleney et al. as the main reference. McEleney et al. is not directed towards therapeutic compositions as is the present invention. Instead, McEleney et al. is directed towards lotions for darkening the skin or lotions that function as sun screen. The McEleney et al. reference is in no way directed to compositions for treating skin ailments such as psoriasis.

The Office Actions states that McEleney et al. provides a composition that includes all three components of claim 16 - vanilla extract, a quaternary ammonium, and a cation chloride salt. The Office Action admits that McEleney et al. "does not teach the amounts of vanilla, amounts of quaternary ammonium, amounts of cation chloride, psoriasis [sic]." The Office Action provides the missing amounts by reliance on Durr et al., McAtee et al., and Knoll et al. When viewed in combination, the cited references provide very different chemical compositions. The Office Action merely picks and chooses components from the references to reconstruct the present invention without regard to the differing chemical nature of the other components (in the references.) This reliance on such dissimilar compositions is without rhyme or reason and is undoubtedly the result of a computer search for any composition having the components in the desired range. For example, Durr et al. is relied upon for providing the amount of vanilla extract. However, that references does not disclose a composition having a quaternary ammonium and a cation chloride salt. How is the amount of vanilla extract in a composition lacking a quaternary ammonium and a cation chloride salt relevant to the present invention?

Similarly, the reliance on McAtee et al. is also inappropriate. The Office Action relies on McAtee et al. to provide the amounts of quaternary ammonium and cation chloride salt. However, this reference does not provide compositions that include vanilla. Instead, McAtee et al. provides a composition that includes a special amphoteric surfactant. The amounts of quaternary ammonium and cation chloride salt in a composition including vanilla extract are irrelevant.

The reliance on McAtee et al. is also flawed because the present invention does not include a cationic surfactant as suggested by the Office Action. The Office Action states:

As for concentrations of quaternary ammonium and cation chloride salt, McAtee et al. teaches a topical composition comprising from about 0.1-15% by weight of a cationic surfactant (Claim 1). Cationic surfactant can be stearamidopropyl dimethyl ammonium chloride (column 8, lines 33, 43-44) and quaternary ammonium salt cetyl ammonium chloride (column 8, lines 46,48).

The Office Action appears to incorrectly identify the cation chloride salt of the present invention as a cationic surfactant. Claims 16 and 29 are amended to clarify that the cation chloride salt is ammonium chloride or potassium chloride. Neither of these chemicals are a cationic surfactant. For this reason, the amounts set forth in McAtee et al. are irrelevant to the amount of cation chloride salt.

Knoll et al. is used in a similarly *ad hoc* manner to provide the amounts of ammonium chloride. Knoll et al. provides a composition having Betaine, Stearamide DEA, Salicylic Acid, Fragrance, FD & C Blue #1, FD & C Yellow #5, Sodium Hydroxide 0.37 0.27 0.25 0.37 **Ammonium Chloride**, D.I. Water, Birch Extract, Kathon CG, Triethanolamine, Ascorbic Acid, Sodium Bisulfite, Sodium Thiosulfate, Quadrol, Methylparaben, and Propylparaben. (Knoll et al., col. 4, ll. 33-55). The Office Action fishing out the amount of ammonium chloride from these otherwise very different compositions is wholly illogical.

The present invention provides a composition for treating a skin disorder. The composition includes vanilla extract, quaternary ammonium, and a cation chloride salt that is ammonium chloride or potassium chloride in amounts specified in claims 1 and 29. The Office Action conceded that the main reference is deficient in failing to provide the combination of ranges and in failing to disclose ammonium chloride or potassium chloride. The ability of the composition to treat disorders is dependant on both the component and the specified amounts. The combination of McEleney et al. with Durr et al., McAtee et al. and Knoll et al. fails to remedy these deficiencies. The non-obviousness of the present invention is further supported by the unexpectedly positive results of the compositions of the invention in treating psoriasis as set forth in Exhibits A and B.

Accordingly, for at least these reasons, claims 16-26 and 28-30 are allowable under 35 U.S.C. § 103(a) over McEleney et al., Durr et al., McAtee et al. as applied to claims 16, 18-26, 28-30 above, and further in view of Knoll et al..

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Petition fee of \$245.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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